

REMARKS

This is a full and timely response to the outstanding final Office Action mailed April 10, 2007. Through this response, claims 1-3, 19, and 21 have been amended, and claims 11-12 and 22-26 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 1-10 and 13-21 are respectfully requested.

I. Interview Summary

Applicants acknowledge that an interview took place between the undersigned and Examiner Nhan T. Tran on May 15, 2007 to discuss the independent claims in view of *Kanamori*. No agreement was reached. Applicants appreciate the Examiner's time during the interview. Applicants have nothing further to add to the Interview Summary dated May 22, 2007.

II. Claim Rejections - 35 U.S.C. § 102(b)

A. Statement of the Rejection

Claims 1-7, 11-15, 19, 20, 22-26 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Kanamori et al.* ("*Kanamori*," U.S. Pat. No. 6,138,826). Applicants respectfully submit that the rejection to claims 1-7, 11-15, 19, 20, 22-26 has been rendered moot, and that claims 1-7, 13-15, 19, and 20 are allowable over *Kanamori* and the art of record.

B. Discussion of the Rejection

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the *Kanamori* reference. Applicants discuss the *Kanamori* reference and Applicants’ claims in the following.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. An image capture system comprising:
a digital camera, the digital camera comprising at least a photosensor and a first processor; and
an enclosure configured to receive the digital camera, configured to have a plurality of features controlling operation of the digital camera, and configured to capture an image using the photosensor of the digital camera, the plurality of features each increasing operational sophistication of the digital camera, **the enclosure further including a second processor that is connected to the photosensor, the second processor used in conjunction with the first processor to control the capture of an image on the photosensor.**

As explained above, the above-described amendments to independent claim 1 have rendered the rejection to claim 1 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 1 is allowable over *Kanamori*. Accordingly, Applicants respectfully request that the rejection to claim 1 be withdrawn.

Because independent claim 1 is allowable over *Kanamori*, dependent claims 2-7 and 13-15 are allowable as a matter of law for at least the reason that the dependent claims

2-7 and 13-15 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 19

Claim 19 recites (with emphasis added):

19. A method for capturing images, the method comprising the steps of:
- coupling a digital camera and an enclosure, the digital camera residing within a recess of the enclosure;
 - providing a plurality of image capture features on the enclosure, the plurality of image capture features controlling operation of the digital camera, the plurality of image capture features each increasing operational sophistication of the digital camera;
 - selecting at least one image capture feature among the plurality of image capture features using a device residing on the enclosure; and
 - capturing an image on a photosensor residing in the digital camera, the image captured through a lens residing on the camera enclosure, ***wherein control of the capture of the image resides in a combination of a first processor and a second processor both connected to the photosensor and residing in the digital camera and the enclosure, respectively.***

As explained above, the above-described amendments to independent claim 19 have rendered the rejection to claim 19 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 19 is allowable over *Kanamori*.

Because independent claim 19 is allowable over *Kanamori*, dependent claim 20 is allowable as a matter of law.

Due to the shortcomings of the *Kanamori* reference described in the foregoing, Applicants respectfully assert that *Kanamori* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Takematsu et al.* (“*Takematsu*,” U.S. Pat. Pub. No. 2003/0214593 A1). Claims 10 and 21 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Da Silva* (“*Da Silva*,” U.S. Pat. No. 6,819,866 B2). Claims 16 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Inoue et al.* (“*Inoue*,” U.S. Pat. No. 5,822,622). Claim 17 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Inoue* and in further view of *Niikawa et al.* (“*Niikawa*,” U.S. Pat. Pub. No. 2001/0043279 A1). Claim 27 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Niikawa*. Applicants submit that these rejections have been rendered moot in view of the amendments to the claims. Further, Applicants respectfully submit that the above-identified claims are allowable over the art of record.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record, and hence respectfully request that the rejections be withdrawn for at least the following reasons.

Dependent Claims 8 and 9

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Takematsu* fails to remedy these deficiencies. Since claims 8 and 9 incorporate at least the allowable claim features of claim 1, dependent claims 8 and 9 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 8 and 9 be withdrawn.

Dependent Claims 10 and 21

Independent Claim 21

Claim 21 recites (with emphasis added):

21. A method for capturing images, the method comprising the steps of:
- generating an image capture instruction using a remote device communicatively coupled to an enclosure;
 - communicating the image capture instruction to a digital camera coupled to the enclosure and residing within a recess of the enclosure;
 - and
 - capturing an image with a photosensor residing in the digital camera, the step of capturing performed in accordance with the received image capture instruction, ***the step of capturing implemented under control of a combination of a first processor residing in the digital camera and a second processor residing in the enclosure, the first processor and the second processor connected to the photosensor.***

As explained above, the above-described amendments to independent claim 21 have rendered the rejection to claim 21 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features. Additionally, Applicants respectfully submit that *Da Silva* fails to remedy these deficiencies, and hence claim 21 is allowable over *Kanamori* and *Da Silva*. Accordingly, Applicants respectfully request that the rejection to claim 21 be withdrawn.

Further, with regard to claim 10, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Da Silva* fails to remedy these deficiencies. Since claim 10 incorporates at least the allowable claim features of claim 1, dependent claim 10 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claim 10 be withdrawn.

Dependent Claims 16 and 18

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Inoue* fails to remedy these deficiencies. Since claims 16 and 18 incorporate at least the allowable claim features of claim 1, dependent claims 16 and 18 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 16 and 18 be withdrawn.

Dependent Claim 17

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Inoue* and *Niikawa* fail to remedy these deficiencies. Since claim 17 incorporates at least the allowable claim features of claim 1, dependent claim 17 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claim 17 be withdrawn.

Dependent Claim 27

Applicants respectfully submit that the cancellation of claim 27 in the prior response has rendered the rejection moot.

In summary, it is Applicants' position that a *prima facie* for obviousness is not made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims are patentable over the art of record and that the rejection of these claims should be withdrawn.

IV. Canceled Claims

As identified above, claims 11-12 and 22-26 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/dr/

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